

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**SUN LIFE ASSURANCE COMPANY
OF CANADA,**

Plaintiff,

vs.

**JANICE KUMM and DEANN KUMM,
individually and as
co-personal representatives of the
ESTATE OF GAYLORD KUMM, and
BEN KUMM, GLEN R. KUMM and
STARR KUMM n/k/a Starr Wallace,**

**Defendants and
Third-Party Plaintiffs,**

vs.

**GERALD BRYCE, JAMES GRENDALL,
BRYAN REIL and
PARADIGM FINANCIAL SERVICES, LLC,**

Third-Party Defendants.

8:08CV290

ORDER

This matter is before the court on the plaintiff's Unopposed Motion for Leave to Deposit into Court ([Filing No. 35](#)). In this matter, the plaintiff seeks rescision of a life insurance policy held by Gaylord Kumm. The plaintiff notified the defendants of the rescision and issued a check for the premium paid by Gaylord Kumm, plus interest, in the amount of \$284,185.65. The defendants do not accept the rescision. However, if the plaintiff prevails on the merits of this case, the defendants will be entitled to the funds. Neither the plaintiff nor the defendants waive any claims or defenses with regard to the funds. Therefore, the plaintiff seeks leave to deposit the funds with the court pursuant to [Fed. R. Civ. P. 67\(a\)](#), and to cancel check number 0043695613 previously issued by the plaintiff to Estate of Gaylord Kumm in the amount of \$284,185.65. The defendants do not object to the leave sought by the plaintiff. Upon consideration,

IT IS ORDERED:

1. The plaintiff's Unopposed Motion for Leave to Deposit into Court ([Filing No. 35](#)) is granted.
2. The plaintiff may cancel check number 0043695613 issued by the plaintiff to Estate of Gaylord Kumm.
3. The plaintiff may deposit \$284,185.65 with the Clerk of the Court for the United States District Court for the District of Nebraska.
4. The Clerk is directed to deposit the aforementioned funds into an interest-bearing account until further order of this court pursuant to [28 U.S.C. § 2041](#) and [NECivR 67.1](#).

DATED this 15th day of October, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge